

REMARKS

In the Office action of November 21, 2007, which action was made final, there a rejection of claims 21-23 and 32-34 under 35 U.S.C. §102 (b) as anticipated, or under 35 U.S.C. §103 (a) as being obvious to one of ordinary skill in the art over Toda (JP 2000-216150) or Toda (U.S. Pat. No. 6,540,840).

With respect to Applicant's arguments that claim 21 provided for a pipe for a carrier gas, said pipe being provided around an outside of said plurality of pipe, the Examiner reads this on art in which the pipes are along side each other but not contained in a carrier gas pipe as disclosed and intended to be claimed herein.

The Examiner states on page 6, that the word "cover" does not appear in the claims, whereas it did before the claims were amended for "clarity" in response to other objections during the examination. Therefore, in the present amendment claim 21 has been amended to recite "said pipe being provided around an outside of said plurality of pipes so as to contain said plurality of pipes supplying the raw material solutions." This is supported by the drawings and the description at page 18, lines 1-2.

Toda does not disclose or suggest a characteristic of the invention set forth in claim 21 that "the carrier gas pipe is disposed outwardly of the raw-material solution pipes so as to contain said plurality of pipes supplying the raw material solutions".

The Office action further stated at page 7 that the claims did not require that the raw material solution is atomized.

Claim 21 has now been amended to recite:

"said dispersing portion mixing the plurality of raw-material solutions with the carrier gas such that the raw material solutions are atomized."

As pointed out in Applicant's remarks in the prior Reply to the Office Action of June 14, 2007, because the dispersing portion of Toda cannot cause the carrier gas to uniformly flow through the annular gas passage 2, there is a problem such that the raw-material solution cannot be atomized.

In contrast, according to the present invention as set forth in claim 21, it is possible to disperse the raw-material solutions into the carrier gas and to surely atomize the mixture. Such a structure which brings the unique effectiveness of the present invention as set forth in claim 21 is not disclosed or suggested in Toda.

The present invention as set forth in claim 21 overcomes the problem of Toda such that raw-material solutions cannot be dispersed into a carrier gas, and has a feature not disclosed or suggested in Toda that "a carrier gas supplied from the carrier gas provided outwardly of the raw-material solution pipes in such a manner as to cover the raw-material solution pipes uniformly flows into the vaporizing tube via the orifice, is mixed with the raw-material solutions at the dispersing portion provided between the orifice and the leading ends of the raw-material solution pipes, and is immediately sprayed from the orifice to the vaporizing tube at a fast speed". Therefore, it is strongly believed that the present invention is not obvious from Toda.

Further, the feature of the present invention is disclosed nowhere in Sun and Schmitt. Therefore, it is strongly believed that a person skilled in the art cannot achieve the present invention from Toda, Sun and Schmitt and the combination thereof.

The present invention as set forth in claim 21 has a vaporizer for CVD having a completely different structure from those of Toda, Sun, and Schmitt, such a difference ensures continuous usage, and such an effectiveness of the invention

cannot be predicted from all cited references.

Therefore, it is strongly believed that the present invention as set forth in claim 21 has non-obviousness with respect to Toda, Sun and Schmitt.

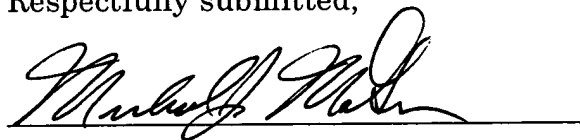
Claims 22 to 35 are dependent on claim 21, and further limit the structure of the present invention as set forth in claim 21 and are therefore allowable for at least the same reasons as claim 21.

CONCLUSION

In view of the amendment and remarks, reconsideration of the application is respectfully requested. Claims 21-35 are now pending and a Notice of Allowance for these claims is earnestly solicited.

Respectfully submitted,

By:

A handwritten signature in black ink, appearing to read "Michael J. McGovern", is written over a horizontal line.

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